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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARQUISE GRADY,

Petitioner,

v.

M.D. BITER,

Respondent.

Case No. 13-cv-2479-BAS(MDD)

**ORDER DENYING
PETITIONER’S MOTION FOR
RECONSIDERATION**

[ECF No. 60]


On February 10, 2016, this Court overruled Petitioner Marquise Grady’s objections, adopted the magistrate judge’s report and recommendation in its entirety, and denied Mr. Grady’s habeas petition. Judgment was entered the next day. However, Mr. Grady did not receive a copy of the order until August 16, 2016. Then the Court granted in part and denied in part Mr. Grady’s motion for “relief from the judgment,” which effectively requested an extension of time to file a motion for reconsideration and a notice of appeal. Only the former was granted. Mr. Grady now moves for reconsideration.

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1 In his motion for reconsideration, Mr. Grady presents arguments that either
2 have been raised or could have been raised either in his traverse to the answer or
3 objections to the Report & Recommendation. Such arguments are not properly raised
4 in a reconsideration motion. *See Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5
5 (2008) (“[A Rule 59(e) motion] ‘may not be used to relitigate old matters, or to raise
6 arguments or present evidence that could have been raised prior to the entry of
7 judgment.’”); *San Luis & Delta-Mendota Water Auth. v. U.S. Dep’t of Interior*, 624
8 F. Supp. 2d 1197, 1208 (E.D. Cal. 2009) (“[A] Rule 60(b)(1) reconsideration motion
9 should not merely present arguments previously raised, or which could have been
10 raised in the original briefs.”); *see also Ausmus v. Lexington Ins. Co.*, No. 08-CV-
11 2342-L, 2009 WL 2058549, at *2 (S.D. Cal. July 15, 2009) (Lorenz, J.) (“[A]fter
12 thoughts” or “shifting of ground” do not constitute an appropriate basis for
13 reconsideration.). Because the arguments presented either are not properly before the
14 Court under either Rule 59(e) or Rule 60(b), the Court **DENIES** Mr. Grady’s motion
15 for reconsideration. *See id.*

16 **IT IS SO ORDERED.**

17
18 **DATED: April 10, 2017**


Hon. Cynthia Bashant
United States District Judge